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BY: DEPUTY

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA, Plaintiff, v. **Antonio SANCHEZ-Medina,** Defendant(s)	Magistrate Case No. '08 MJ 1442 COMPLAINT FOR VIOLATION OF: Title 8 U.S.C., Sec. 1324 (a)(2)(B)(iii) Bringing in Illegal Aliens Without Presentation

The undersigned complainant, being duly sworn, states:

On or about **May 5, 2008,** within the Southern District of California, defendant **Antonio SANCHEZ-Medina**, with the intent to violate the immigration laws of the United States, knowing and in reckless disregard of the fact that aliens, namely, **Elizabeth LOPEZ-Mendez, Maribel PACHECO-Urbano, Diana PEREZ-Evangelista,** had not received prior official authorization to come to, enter and reside in the United States, did bring to the United States said aliens and upon arrival did not bring and present said aliens immediately to an appropriate immigration officer at a designated port of entry; in violation of Title 8, United States Code, Section 1324(a)(2)(B)(iii).

And the complainant further states that this complaint is based on the attached statement of facts, which is incorporated herein by reference.

SIGNATURE OF COMPLAINANT
Alexander Djokich
Senior Patrol Agent

SWORN TO BEFORE ME AND SUBSCRIBED IN MY PRESENCE, THIS 7th DAY OF MARCH 2008

Louisa S. Porter
UNITED STATES MAGISTRATE JUDGE

CONTINUATION OF COMPLAINT:
Antonio SANCHEZ-Medina

PROBABLE CAUSE STATEMENT

Furthermore, the complainant states that **Elizabeth LOPEZ-Mendez, Maribel PACHECO-Urbano, and Diana PEREZ-Evangelista** are citizens of a country other than the United States; that said aliens have admitted that they are deportable; that their testimony is material, that it is impracticable to secure their attendance at the trial by subpoena; and they are material witnesses in relation to this criminal charge and should be held or admitted to bail pursuant to Title 18, United States Code, Section 3144.

On May 5, 2008 Supervisory Border Patrol Agent M. Espino and Border Patrol Agents G. Speicher and G. Mercado were performing Border Patrol duties in the Boulevard Border Patrol's area of operations. All agents were in full uniform and driving marked Agency vehicles. These agents were assigned to the western portion of the area of operations. This area is approximately 20 miles east of the Tecate, California Port of Entry.

At approximately 5:40 p.m., Agent Espino responded to an intelligence report of a possible "drive through" at the south end of Jewell Valley Road (JVR). The term "drive through" is what agents use to describe suspected smuggling vehicles that travel through or over the United States/ Mexico International Border Fence. The area at the south end of JVR is commonly used by smugglers as a "drive through" area due to its desolate nature. Agent Espino reached the end of the paved area of JVR (the remaining two and a half miles of road is dirt and extends to the border south bound) and he observed a blue Ford F-250 truck traveling onto the paved portion of JVR. The driver of the vehicle accelerated at a high rate of speed, skidding sideways on JVR, when he observed Agent Espino. The driver appeared to be Hispanic, with a goatee, and appeared to be wearing what appeared to be a green ball cap and a blue jacket. Agent Espino also observed a female passenger in the front passenger seat and some sort of material cover in the bed of the truck. The material cover appeared to be elevated and not on the floor of the bed. Agent Espino performed a u-turn in an attempt to perform a stop of the vehicle.

The vehicle continued to travel north bound on JVR at a high rate of speed and agent Espino intermittently lost sight of the vehicle in the curves of the road. On JVR approximately one-half mile south of Old Highway 80, Agent Espino reacquired visual of the vehicle due to the driver being slowed by Agent Mercado, who was driving the posted speed limit. Agent Mercado was attempting to get to the intersection of JVR and Old Highway 80 to stop oncoming traffic due to the driver's erratic driving. The driver disregarded Agent Mercado's presence, passed him on the left over the double solid yellow lines, and side swiped the Agency vehicle Agent Mercado was operating. Agent Mercado had to pull over to the side of the road to avoid being pushed off the road by the driver.

At the time the suspect vehicle had to slow due to Agent Mercado, Agent Espino was able to obtain the California license plate of the vehicle. Agent Espino performed a vehicle registration check, via San Diego Sector Communications, and the vehicle returned as a stolen vehicle out of Huntington, California.

On JVR just before Old Highway 80 and due to the above mentioned facts, Agent Espino attempted to perform a vehicle stop on the suspect vehicle. Agent Espino activated the Agency vehicle's lights and siren. The vehicle traveled onto Old Highway 80 eastbound with Agent Espino following. The driver did not yield and Agent Espino notified Sector Communications and all agents in the area he had a failure to yield. The vehicle continued eastbound Old Highway 80 through the town of Boulevard. As the vehicle entered a straight away, the driver accelerated to further evade Agent Espino. On Old Highway 80 eastbound at approximately mile marker 28.5, the driver drove the vehicle onto the westbound lanes traveling against possible oncoming traffic. It was apparent to Agent Espino that the driver was not going to stop and would do anything to avoid being apprehended by the Border Patrol. Due to the erratic driving and for the safety of the public, Agent Espino discontinued the pursuit at 5:50 p.m. on Old Highway 80 and mile marker 29.

CONTINUATION OF COMPLAINT:
Antonio SANCHEZ-Medina

Agent Espino turned off all lights and sirens of the Agency vehicle and slowed to approximately 45 miles per hour. Agent Espino relayed to agents working in the eastern portion of the area of operation a description of the vehicle and last direction of travel.

Border Patrol Agent A. Velasquez was assigned to a highpoint position on Jacumba Peak. Jacumba Peak is located on the north side of the town of Jacumba, California and is a point that gives agents a large vantage point of the whole town. Agent Velasquez was able to obtain visual of a vehicle matching the description traveling eastbound on Old Highway 80 entering the west side of the town. Agent Velasquez relayed this information to agents that were positioned at the border fence and agents in the immediate area. Agent Velasquez observed the vehicle travel east on old Highway 80 and turn into an area on the west side of the Jacumba Elementary School. It should be noted that parents and children were still present at the school when the driver drove right next to the perimeter fencing of the school. Further, the route south of Old Highway 80 that the driver traveled on was not a designated paved or dirt road. Agent Velasquez maintained visual of the vehicle as it traveled south bound next to the school making its own path. The vehicle came to a stop on the southwest side of the school area due to large boulders. Agent Velasquez observed a male, wearing dark clothing, exit the driver side of the vehicle and flee to the west around a large rock formation know as "Mercado Rock." Due to the fact that male exited the driver side and was the only suspect to flee from the immediate area of the vehicles location, Agent Velasquez maintained visual of the suspect. The suspect continued to run in a southwest direction in what appeared to Agent Velasquez that the suspect was attempting to flee into Mexico. The international border is approximately 300 yards from the final resting point of the suspect vehicle. Agent Velasquez lost visual of the fleeing suspect near some large boulders to the immediate west of Mercado Rock.

Agent Velasquez maintained visual of the area he last had the fleeing suspect and guided Agents Espino and Speicher to the area. After a brief search of the area, Agents Espino and Speicher were able to locate a subject hiding under a large boulder. The suspect burrowed into the large boulder so only from the waist down was visible. Agent Espino and Speicher identified themselves as United States Border Patrol Agents and commanded the suspect to come out from under the boulder in both the English and Spanish languages. After many commands in both languages with negative results, Agents Espino and Speicher attempted to pull the suspect from underneath the large boulder. The suspect would not come out and it appeared he was holding onto something underneath the boulder in an attempt to resist arrest. Agent Speicher said several more commands to no avail. Due to the suspect's uncooperativeness and his demonstration of a passive resistive stance, Agent Espino unleashed a three second burst of his issued Oleoresin Capsicum Spray. The suspect then heeded Agents Espino's and Speicher's commands to come out and give up. When the suspect came out from underneath the boulder, Agent Espino saw a male Hispanic with a goatee. The suspect, identified as defendant Antonio SANCHEZ-Median, was wearing a dark shirt and blue jeans. When questioned as to his to his citizenship, the defendant admitted to being a citizen and national of Mexico in the United States illegally. The defendant also admitted to not having any valid immigration documents that would allow him to enter, remain, or reside in the United States legally.

Approximately 40 yards to the northeast of where the defendant was found, agents discovered a dark blue jacket wrapped over a greenish ball cap, a telephone and a handheld two-way type radio. When question if the found clothing and items were his, the defendant admitted they were his. At approximately 6:00 p.m., the defendant was placed under arrest and transported to the Boulevard Border Patrol Station for processing.

At the vehicle the nineteen suspected smuggled illegal aliens were questioned individually as to their citizenship and nationality. All nineteen subjects individually admitted to being citizens and nationals of Mexico illegally in United States without the proper immigration documents to enter, remain, or reside here legally. All illegal aliens were placed under arrest and transported to the Boulevard Station for processing.

CONTINUATION OF COMPLAINT:
Antonio SANCHEZ-Medina

MATERIAL WITNESSES STATEMENTS:

Material Witnesses **Elizabeth LOPEZ-Mendez, Maribel PACHECO-Urbano, and Diana PEREZ-Evangelista** stated that they are citizens and nationals of Mexico illegally present in the United States. They stated that they did not have any immigration documents allowing them to be in the United States legally. They stated that arrangements had been made in Tijuana, Baja California, Mexico to be smuggled into the United States. All the material witnesses stated that they were to pay $2,000.00 U.S. dollars when they reached there destination Los Angeles, California. All the material witnesses stated that an unknown individual was to pick them up in an unspecified meeting spot in Tijuana, Mexico. When shown a photographic lineup all the material witnesses were able to identify the defendant **Antonio SANCHEZ-Medina** as the driver of the blue 2003 Ford F-250.